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Annual Report

2005

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Report Highlights:

The ban on poultry imports from the United States was lifted on September 30, 2004.

The Biotech Products or Genetically Modified Organisms (GMOs) section of this report has been deleted. Biotech Products are now addressed in Annual Reports on both the European (see USEU report E35091) and French level (see Paris report FR5051).

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Paris [FR1]
[FR]

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This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Paris, France for U.S. exporters of food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

SECTION I. FOOD LAWS

1. Exporters should be aware that there may be some variation among Member States in applying European Union harmonized legislation. This may be due to variations in the transitional period needed to adjust to EU rules. There may be temporary waivers or exemptions and in certain cases and there may be room for interpretation of EU harmonized legislation. Legislation not regulated in detail at EU level may be handled differently in different Member States. Also, there is a wide variation in inspection fees, in registration fees, and in the time required to evaluate products used in the food production process.
2. Although France is not a closed market, certain regulations exist both in France and in the EU which limit market access for specific U.S. agricultural exports. The ongoing harmonization of EU import regulations, as well as the implementation of the Uruguay Round commitments under the World Trade Organization (WTO), may result in the elimination of WTO-inconsistent French regulations, as well as in the conversion of quotas, variable levies and restrictive licensing to tariffs which are to be reduced over time. **Products which are subject to restrictive regulations include: Enriched flour, genetic material, "exotic meats" such as alligator and buffalo, crayfish, pet food and certain fruits and vegetables.** These products are subject to EU quality norms and must be inspected at the point of entry. More details concerning regulations for these products are given in Section VI. "Other Regulations and Requirements" of this report.
3. French labeling and product ingredient regulations are among the strictest in the European Union (EU). The General Direction for Competition, Consumption and Frauds (DGCCRF) is the French agency responsible for enforcing these regulations and can be reached at the following address:

Direction Générale de la Concurrence
de la Consommation et de la Répression des Fraudes
(DGCCRF)
Ministère de l'Economie, des Finances et de l'Industrie
59, boulevard Vincent Auriol
75703 Paris Cedex 13
Tel: (33-1) 44 87 1717
Fax: ((33-1) 44 97 3031
Internet: <http://www.dgccrf.minesi.gouv.fr>

DGCCRF views their role as a protector of :

- 1) Consumers' health by overseeing "safe" ingredients and
- 2) food quality standards by ensuring clear, descriptive labeling.

Note: It is prohibited to imply that a food has certain properties when all similar products would possess these same properties.

French regulations severely limit superlatives in food labeling. For example superlatives such as "great" cannot be used on labels to describe a food product. The use of the word "natural" may be permitted depending upon its location on the label and the product. Adding vitamins to foods, beverages and flour products is limited by regulation. Using traditional French cuisine terms, such as "beef bourguignon" are not allowed. In summary, product nomenclature is allowed to describe a product, but not to promote it.

Labels should be worded in such a way so as not to confuse the consumer. For example, "Peanut Butter" should be denominated as "Pate d'arachide" and not "beurre d'arachide" since it does not actually contain any butter as defined by French regulations.

Generic terms such as beer, yogurt, and candy can only be used if the product is certified as having been produced in accordance with specific processing procedures. Products that do not conform to these procedures may still be imported, but may not carry generic labeling terms and may be subject to special taxes.

The result of the DGCCRF's enforcement of these requirements and others is that many U.S. products are disadvantaged by virtue of their American-style labeling (usually a marketing tool as well as nomenclature) and/or manufacturing practices. U.S. exporters may need to consider the possibility of modifying their food product/label for the French/EU market, but the built-in bias against U.S. manufacturing techniques and the prohibition of certain safe ingredients may persist as a non-tariff trade barrier to U.S. high-value foods in France.

Reminder: French is the official language of business in France. While many business people speak English, product literature, correspondence and negotiations in French provide a distinct advantage over competitors who are only use English. It should be noted that other EU suppliers are accustomed to dealing with contacts in French.

SECTION II. LABELING REQUIREMENTS

A. General Requirements

EU Directive 2000-13 dated March 20, 2000, as modified applies to labeling of food products. France transcribed this Directive into the "Code de la Consommation - Partie Réglementaire - Livre Premier" and it can be found on the following website:
<http://www.legifrance.gouv.fr>

The "Code de la Consommation" stipulates that all labels must be in French regardless of the origin of the product. However, multilingual labels are acceptable.

France has very restrictive additive regulations. The appearance of a food additive on the EU list of approved additives does not automatically mean the additive is approved for use in France or that it is approved for use in all types of food products.

The use of the French language is mandatory in documents used in business transactions as well as on labels, packages, and on merchandise itself. The use of foreign names is forbidden in place of existing equivalent French terms. However, the following are authorized: chorizo, couscous, gin, merguez, paella, salami, vodka, aquavit, Gorgonzola and whiskey.

- ... The product name, net quantity (in metric units), date of minimum shelf life (DLC) for perishable products or the date of optimal usage (DLUO) for non-perishable products, and the name and address or EU identification number of the importer must be in the same area of the label.
- ... For non-perishable products, the DLUO must appear on the label using the words, "A consommateur de préférence avant fin (day, month, year)." ("Best consumed before"). For perishable products, the DLC must appear on the label using the words, "A consommateur avant (day, month, year)." ("To be consumed before ..."). However, for extremely perishable products, the DLC must appear on the label as "A consommateur jusqu'au (day, month, year)", ("To be consumed until ...") or "A consommateur jusqu'à la date figurant (day, month, year)," ("To be consumed no later than...").
- ... Some products are exempt from indicating the DLC or DLUO. They include: Fresh fruits and vegetables, wines and spirits, alcoholic beverages with an alcoholic content equal of greater than 10.5 percent by volume, vinegars, sugar, confectionery items, and live shellfish intended for raw consumption.
- ... Name and address of manufacturer, packer or vendor within the EU must be given.
- ... Ingredients, including herbs and spices, must be listed in descending order of their quantity in the product at the time of manufacturing or processing. The list of ingredients should be preceded by the word "Ingredients." When ingredients are included in the name of the product, their weight as a percentage of total net product must be included in the ingredient list (see QUID section below).
- ... All additives and preservatives must be indicated on the label of all food products either by their specific group name or by their "E" Number. Certain substances such as herbs, spices and aromatics should be listed on the ingredients list; if their names are used in the name of the product the percentage must be stated. Flavorings are considered additives and should be noted as "arôme de" followed by the name of the flavor.
- ... The country of origin must be indicated in letters not less than 4 mm in height on all product cases (packing labels, etc.). The abbreviation "USA" is acceptable in France.
- ... The alcoholic content must be indicated on the label of all beverages with an alcoholic content greater than 1.2 percent by volume.
- ... For prepackaged food products, the manufacturer's lot number must be listed on the packaging or on the commercial documents accompanying the product, and should be preceded by the letter "L".
- ... Maximum storage temperature should be specified for frozen foods. If appropriate, the word "SURGELE" (quick frozen) should be in a highly visible place in capital letters on the label.
- ... For canned foods packed in a liquid, in addition to the net product weight, the drained weight in metric units must also be indicated on the label. The net weight of the product must be given along with the drained weight if the liquid in the package is used in the preparation of the product. These weights should appear in grams.

- ... Give the net weight, product weight or the drained weight in metric units. Few French buyers are familiar with U.S. weights and measures, thus metric weights and measures should always be used in commercial transactions.
- ... The word, "butter" or "cream" may not be used on the label of certain foodstuffs, unless the only fat used is butter fat. Concentrated butter may be used instead of butter and the word "butter" may be used on the label provided the fatty acid composition of the concentrated butter has not been altered by any treatment, in particular by hydrogenation. Hydrogenated butter is considered to be a food fat and not butter. If concentrated butter is used in the product, one may not use the words "pure", "fine", "extra", "fresh", etc., in combination with the word "butter".
- ... In certain foodstuffs, the word "milk" or "milk products" may only be used if certain minimum quantities of milk solids are present in the product.
- ... Individual portions of beef under 3 kilograms are not acceptable for import into France or other EC countries.
- ... Veterinary stamp or sanitary certification is mandatory on products of animal origin (meat, delicatessen, milk, eggs, fish and seafood ...)
- ... Instructions for use (or advice on how to prepare a food product) is mandatory only when necessary, and should be clearly indicated and visible on the label to allow for appropriate use of the product.

Note: As of November 25, 2004 France implemented EU Directive 2003/89 of 11/10/03 requiring operators to label on the list of ingredients certain allergens used in the manufacturing process of the product. The list of allergens can be found in the Annex of the EU Directive. All operators should conform to the Directive by the end of year 2005.
<http://europa.eu.int>

B. Requirements Specific to Quantitative Ingredients (QUID):

Quantitative ingredients declaration (QUID) is mandatory in the following cases:

- ... Where the ingredient or category of ingredients appears in the name under which the foodstuff is sold: i.e., strawberry ice cream - QUID for strawberries
fruit pie - QUID for total fruit content
- ... Where the ingredient or category of ingredients is usually associated with that name by the consumer: i.e., goulash soup - QUID for beef.
- ... Where the ingredient or category of ingredients is emphasized on the labeling in words (i.e., "made with butter"), pictures (i.e., of a cow to emphasize dairy ingredients) or graphics (different size, color and/or style of print)
- ... Where the ingredient or category of ingredients is essential to characterize a foodstuff and to distinguish it from similar products.

The QUID declaration must be indicated in or immediately next to the name under which the product is sold unless a list of ingredients is voluntarily indicated on the label in which case the quantity may appear in the list. The quantity of the ingredient, expressed as a percentage, must correspond to the quantity of the ingredient (s) actually used in the preparation of the product.

The QUID requirement DOES NOT apply to constituents naturally present in foods and which have not been added as ingredients, i.e., caffeine (in coffee) and vitamins and minerals (in fruit juices). QUID declarations are not needed in a number of cases, i.e., when products state the drained net weight or where an ingredient is used for purposes of flavoring. QUID declarations CANNOT replace nutrition labeling.

Commission Directive 1999/10/EC provides for derogations from the QUID requirement:

- Where the wording "with sweeteners" or "with sugar(s) and sweetener(s)" accompanies the name under which a foodstuff is sold
- Where the addition of vitamins and minerals is subject to nutrition labeling
- Where foodstuffs are concentrated or dehydrated.

C. Requirements Specific to Nutritional Labeling

French decree 93-1130 dated September 27, 1993, and decree of December 3, 1993, as amended, implements an EU directive 90/496 on nutritional labeling. This decree applies to all packaged food products, including food products for hotels, restaurants and institutions (HRI), but does not apply to mineral water and food supplements. However, nutritional labeling is not mandatory in France and in the EU, except when a nutritional fact is indicated on the label, in the advertising or in the presentation of a food product. In these cases, two possibilities for nutritional labeling are suggested:

- Group I: Caloric value (in kJ and Kcal), proteins, glucides, lipids (in g)
- Group II: Caloric value (in kJ and kcal), proteins (in g), glucides (in g) from which sugars (in g), lipids (in g), of which saturated fatty acids (in g), fiber (in g), sodium (in g).

In addition to the information of Groups I and II above, nutritional labeling may also indicate quantities of one or several of the following nutrients: (Starch, polyols, saturated fatty acids, cholesterol, minerals and vitamins present in the product, if they represent at least 15% of the daily recommended supplies. All nutrient quantities should be expressed in milligrams (mg) or grams (g).

Certain quantitative nutritional facts (i.e., "light in ...", rich in vitamins or minerals, without added sugar, etc.) apply particularly to dietetic/health food products.

In France, labeling should not attribute any health claim to a food product. However, no precise regulation currently exist for facts relative to health. A nutritional fact describes the role of the nutrient in the current functions of the body, as indicated in the Commission for Studies of Food Products (CEDAP), Advice of 1997. CEDAP proposes that the function of vitamins and minerals be stated, but the final choice is left to the manufacturer. These allegations should always be accompanied by information indicating to the consumer that a diversified diet is best and that the daily recommended needs assure the coverage of nutritional needs.

Note that in January 2003, the Commission started a review among Member States to amend Council Directive 90/496 on nutritional labelling. The overall objective for this review is to improve the existing nutritional labelling rules for better consumer understanding.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

In addition to various harmonized EU Directives for products which need special packaging or container size to enter the EU, such as wines and alcohol, France has its own packaging or container size requirements for a large variety of food products, including beers, fermented beverages, breakfast cereals, pre-packed fruits and vegetables, non-alcoholic beverages, coffee, milk, oil and vinegar, ice creams, frozen fish, frozen fruits and vegetables, dried fruits and vegetables and pet foods.

A wide variety of prepackaged foods require a declaration of unit price, per kilo, 100 grams, deciliter or liter. This requirement is already in force for all retail sales outlets. Although not mandatory, bar codes for all products are used in supermarket stores.

The Green dot logo on a package is an environmental seal indicating that the packaging manufacturer participates in a municipal waste disposal system for recycling (ex: Eco-emballage). While the application of this logo on food labeling is not mandatory for all companies, a French decree of 1992 implementing EU directive 94/62, stipulates that it is the responsibility of producers, importers or generally persons responsible for the marketing of a food product to contribute or provide for the elimination of all the packaging waste matter.

The French regulation, implementing EU Directives, for packaging materials in contact with food products is compiled in brochure No. 1227 of 2002, and include previous modifications. This brochure can be obtained from the French Official Journal (See address listed in Appendix II of this report), and can also be viewed on the following website:
http://www.europa.eu.int/comm/food/chemicalsafety/foodcontact/legisl_list_en.htm.

However, the use of the following materials directly in contact with foods are strictly forbidden in France: copper, zinc, and galvanized iron, except for use in the process of distilling, confectionary and chocolate manufacturing.

SECTION IV. FOOD ADDITIVE REGULATIONS

The French decree of October 2, 1997, published in the French Official Journal of November 8, 1997 as modified, implements various EU Directives on additives authorized in food products.

This French decree also stipulates the requirements and restrictions on the use of additives in foodstuffs, and determines the maximum level of tolerance.

A U.S. exporter wishing to obtain a copy of the French Official Journal of November 8, 1997 on the authorized additives which can be used in food products should write or call:

- Journal Officiel de la République Française
Direction des Journaux Officiels
26, rue Desaix
75727 Paris Cedex 15
Tel: (33-1) 40 58 7979
Fax: (33-1) 45 79 1784
Contact: Information Services
<http://www.legifrance.gouv.fr>

SECTION V. PESTICIDES AND OTHER CONTAMINANTS

1. Pesticide Authorization Procedure:

Authorization:

The list of phytosanitary products authorized in France is available on DGAL's website:

<http://e-phy.agriculture.gouv.fr/bas.htm>

This website lists phytosanitary products authorized and those no longer authorized, active substances authorized, Maximum Residue Levels ("Limites Maximales de Residus" or LMR) by substance and by plant, companies involved, fertilizing matters, blends, and toxicology information.

In France, the competent authority for authorizing pesticides is the DGAL, which assigns assessments to a number of committees including experts, Government representatives and civil society members (such as consumer associations and environment protection organizations). For more information on the committees, please see:

http://www.agriculture.gouv.fr/spip/ressources.themes.santeetprotectiondesvegetaux.maitrisedesintrants.evaluationdesproduits.proceduresdemisesurlemarche_r387.html

Product authorizations are based on reviews at standardized scientific files prepared by companies and presented to the French MinAg, accompanied by complete toxicology and biological studies.

Termination of Authorization:

The French MinAg is in the process of terminating the authorization of a number of products, in the context of the European review of active substances under the Directive 91/414, and of monitoring actions of the French MinAg. The products for which authorization is being terminated are:

- atrazine, simazine, terbuthylazine: general termination of authorization the products including these active substances,
- fentines (acetate and hydroxide): general termination of authorization of these products (active substance not included),
- parathion-methyl: general termination of authorization of these products (active substance not included),
- diuron: reduction in dose of use.

Under the European Directive 91/414 and regulations 3600/92/CE, 451/2000/CE, 703/2001/CE, 451/2000/CE, and 1112/2002/CE, the EU program will terminate the authorizations of 160 active substances and 600 phytosanitary products. Most of these products continue to be used by French farmers. French authorities have obtained a number of derogations to gradually implement the EU regulation. Please see

http://www.agriculture.gouv.fr/spip/article.php3?id_article=1119

2. GOF Monitoring of Pesticide Content in Food Products:

Pesticide Sanitary and Phytosanitary Tests at French Borders:

The **Crop Protection Service (SPV) of the Directorate for Food (DGAL) of the French MinAg** is in charge of preventing sanitary phytosanitary risks in crop production. SPV/DGAL conducts sanitary/phytosanitary testing at French borders on imported products.

In 2003, 37,500 tests were conducted and 3,100 phytosanitary analyses made, resulting in import certificates. At the same time, 1,400 actions were taken and notifications sent to importers, EU authorities, French Economic Expansion Posts outside of France, and national crop protection organizations of the third countries involved. These products were stopped by French authorities for problems with documents (49 percent), or because the shipment was contaminated by a noxious organism (49 percent), or the products were prohibited (2 percent). These problems were worked out after documentation or technical issues were resolved (60 percent), the goods were destroyed (25 percent), entry was denied (9 percent), goods were treated (6 percent), or they were quarantined (1 percent).

In 2003, there were European inspections conducted by the Food and Veterinary Office (FVO - http://europa.eu.int/comm/food/fvo/index_en.htm) to assess the French inspection system on imported products. FVO concluded the French system met the EU demands, but required larger samples to be tested on imported products.

Tests on Pesticides and Contaminants in Vegetable Products Conducted by the Fraud Control Office (DGCCRF) of the French Ministry of Economy, Finance and Industry:

Animal Feed:

In 2003, DGCCRF tested almost 300 samples of animal feed for undesired substances, including aflatoxins, B1, pesticide residues, heavy metals, and dioxins.

Aflatoxins were tested on animal feed for the dairy herd and on raw material presenting a risk, i.e., mainly oilseed products. No sample tested presented an aflatoxin content higher than the standards.

Pesticide residues: 3 samples tested resulted in higher content than the MRL (rapeseed, extruded soybeans and linseed meal, where malathion was found). In food and cereals, no pesticide residues were found in higher contents than MRLs.

Arsenical, fluor and heavy metals were tested on minerals, compound feed, and complements: all samples tested were in conformity with the standards of the EU Directive 2003/100.

Dioxin was tested on fish by-products mainly to feed fish, and all these products had a dioxin content in conformity with the regulation.

Mycotoxins in Cereal-Based Food Products:

In 2004, DGCCRF tested the mycotoxin content of 75 samples of corn-derived food products, breakfast cereals, and baby food. The tests concluded that the aflatoxin B1 and ochratoxin A content was lower than the maximum content authorized by the EU 466/2001 regulation.

Maximum authorized content levels of zearalon, desoxynivalenol and fumosin (mycotoxins produced by the *Fusarium* fungi) are currently being discussed at the European level and there are no French standards set yet.

	Corn Flour, Semolina and Starch	Breakfast Cereals	Baby Food
Zearalon	3 samples: max 71 µg/Kg tested	N/a	N/a
Desoxynivalenol	2 samples: max 738 µg/Kg tested	N/a	5 samples: max 507 µg/Kg tested
Fumosinin B1	13 samples: max 1,990 µg/Kg tested	2 samples: max 214 µg/Kg tested	3 samples: max 430 µg/Kg tested

Patulin (mycotoxin) in Apple-Based Products

The EU Regulation setting maximum patulin content is EU 466/2001 modified for some products marketed after November 2003.

In 2004, DGCCRF tested 138 samples of apple juices, purees, baby food, cider, fermented drinks, and spirits. Tests resulted in the following:

	Apple Juices and Drinks	Apple Puree and Sauce	Apple-Based Baby Food	Apple Cider, Fermented Drinks, Spirits
EU Maximum content	50 µg/Kg	25 µg/Kg	10 µg/Kg	50 µg/Kg
Samples tested with higher contents	9 with 71-1,800 µg/Kg	All samples had lower contents	All samples had lower contents	3 with 79-200 µg/Kg

Detection of Chemical Residues in Animal Products

Aromatic Polycyclic Carbohydrates (HAP) in Smoked Food Products:

The new EU Regulation 208/2005 modifying the 466/2001 Regulation sets the maximum contents for benzopyren (HAP marker) at 5 µg/Kg.

In 2004, DGCCRF tested 95 samples of smoked meat and smoked fish. Only 1 sample of smoked eels had a higher content (6.2 µg/Kg) than the new regulation.

Livestock Meat:

In 2003, DGAL conducted 31,000 analyses on meat animals to detect chemical residues. Tests for prohibited substances (veterinary pharmaceuticals and pesticides) were globally satisfactory: all tests were in conformity with the regulations for beta-agonists, anti-thyroidians, nitrofurans, nitroimidazoles, benzimidazoles, anti-coccidians, carbamates, tranquilizers, and AINS phenylbutazone. In addition, the maximum rate of non-conformity was 0.2 percent for steroids, chloramphenicol, gluco-corticoids, tetracyclins, and

ivermectins. The rate was higher for sulfamids (0.4 percent), pesticides (0.4 percent), heavy metals in muscle (0.4 percent), antibiotics (0.3 percent), and AINS arylpropionic acids (0.3 percent).

Note : AINS stands for Anti-Inflammatory Non Steroidian

Poultry Meat :

In 2003, DGAL conducted 8,400 tests on samples of chemical residues of veterinary products or pesticides in poultry meat. Non-authorized products were not detected (steroids, beta-agonists, nitroimidazols, nitrofurans, antibiotics, sulfamids, quinolons, benzimidazols, anticoccidians, carbamates, and pesticides), except chloramphenicol (0.1 percent), tetracyclins (0.3 percent), and cadmium (0.29 percent).

Rabbit Meat :

In 2003, DGAL conducted 940 tests on rabbit meat. Sulfamides were the only chemicals detected on these samples (4.7 percent exceeding MRLs). MRLs were not exceeded in tests detecting steroids, stilbens, resorcylic acids, beta-agonists, chloramphenicol, nitroimidazols, nitrofurans, antibiotics, tetracyclins, quinolons, anticoccidians, pesticides, lead, and cadmium.

Game Meat :

In 2003, DGAL conducted 520 tests on game meat. Only cadmium above MRL was detected in game liver (11.3 percent). MRLs were not exceeded for chloramphenicol, nitroimidazols, antibiotics, tetracyclins, sulfamids, pesticides, and lead.

Farm-Raised Fish:

In 2003, DGAL conducted 1,050 tests on farm-raised fish. Only green malachite and chloramphenicol were detected above MRL (5.5 and 0.8 percent, respectively). MRLs were not exceeded for steroids and stilbens, chloramphenicol, nitrofurans (in Salmonids), antibiotics, quinolons (in Salmonids), ivermectins, pesticides, and heavy metals (lead, cadmium and mercury).

Live Mollusks :

In 2003, DGAL conducted 1,100 tests on live bivalve mollusks and MRLs were only exceeded for the sea phyco-toxins DSP (0.3 percent) and aromatic polyaromatic carbohydrates (0.4 percent). MRLs were not exceeded for the PSP and ASP sea phyco-toxins, heavy metals (lead, cadmium and mercury) and PCB.

Milk:

In 2003, DGAL conducted 3,080 tests on milk, and concluded MRLs were exceeded for chloramphenicol (0.2 percent) and antibiotics (0.1 percent), but not for sulfamids, ivermectin, benzimidazols, pesticides, lead, and aflatoxins M1.

Eggs:

In 2003, DGAL tested 1,420 samples of egg products for chemical residues. Only pesticides (organochlorinated and polychlorophenyls) resulted in higher contents than MRLs (1.3 percent). There was no problem with chloramphenicols, nitroimidazols, sulfamids, or flubendazol.

Honey:

In 2003, DGAL tested 1,050 samples for chemical residues. MRLs were exceeded for tetracyclins (17.1 percent), sulfamids (0.85 percent), lead (7 percent) and cadmium (1 percent). There was no problem identified for chloramphenicol, pyrethrinoid, benzylate, amitraz, and organophosphorated residues.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS**1. Products that must meet inspection requirements upon entry:**

As a reminder : Imports of red meat, meat products, pet food, farm and wild game meat, ratites, milk and milk products, seafood, bovine embryos and semen, porcine and equine semen, gelatin and animal casings to the EU from the U.S. may only originate from EU approved U.S. establishments (See European Union Food and Agricultural Export Regulations and Standards – E34054 dated 8/31/2004).

Specific agricultural and food products which are subject to inspection requirements and/or subject to French trade restriction and barriers include:

- *Enriched flour*: French regulations prohibit the import of any products made with flour enriched with vitamins, since added vitamins are not allowed in food products, with the exception of approved health/diet food products.

Bovine genetics: The general animal health requirements governing intra-EU trade and imports into the EU of deep-frozen semen of domestic animals of the bovine species are laid down in Council Directive 88/407/EEC. This Directive harmonises:

- the health conditions which semen must satisfy for the purposes of intra-EU trade or importation into the EU from third countries;
- the conditions for approval of semen collection and storage centres.

Only distribution and placement of serum in the country of destination are not covered by the Directive, being a matter for the Member States.

Current Government of France (GOF) marketing controls and regulations discriminate against the free movement of bovine semen and embryos. An import license must be obtained from French Customs prior to the import process. The license must also be approved by the :

Ministry of Agriculture
Direction des Politiques Economiques et Internationales,
Sous-Direction de l'Elevage et des Produits Animaux,
Bureau de la Génétique Animale,
Tel: (33-1) 49 55 4695
Fax: (33-1) 49 55 8026

- *Exotic meat (alligator)*: Current French regulations prohibit imports of exotic meats. Imports of alligator meat from the U.S. into France are currently the subject of ongoing discussions with the French Veterinary Service.

- *Flightless bird meat (ratite)*: The slaughtering and processing plant must be certified by the EU, and the establishment must comply with the sanitary requirements of Commission Decision of 29 September 2000 laying down animal and public health conditions and veterinary certification for imports of farmed ratite meat amending Decision 94/85/EC

drawing up a list of third countries from which the Member States are authorized to import fresh poultry meat. In the United States, there are currently five EU-certified establishments.

- *Live crayfish*: A 1985 regulation only allows four species of crayfish to be imported live into France, none of which are available from the United States. The GOF is currently trying to discern and quantify the negative impact, if any, that the live crayfish could have on the overall aquatic ecosystem in France.

- *Beef and bison meat*: Imports into France of beef and bison meats are possible provided the slaughterhouses are EU-certified and the meat is hormone-free. A number of EU-certified for export establishments exist in the United States for beef meat while there are only two for bison meat. They can be found on the FSIS website : <http://www.fsis.usda.gov>

- *Fruits and vegetables*: Fresh fruits and vegetables, including apricots, citrus fruits, artichokes, asparagus, eggplant, garlic, carrots, certain varieties of lettuce, Brussels sprouts, cauliflower, cabbage, cucumbers, squash, spinach, strawberries, beans, onions, peaches, leeks, peas, apples, pears, sweet peppers, plums, grapes, tomatoes and kiwis are subject to EU quality norms which mandate a quality inspection at the border of entry to the European territory prior to customs clearance. In addition to the quality inspection, a systematic phytosanitary inspection is done on all shipments of fresh fruits to EU countries, including France. A phytosanitary inspection is not required for fresh vegetables. However, certain fresh fruits and vegetables are subject to import certificate (garlic, bananas, canned mushrooms and canned mandarines). In addition, current regulations require traceability of all produce from the producer to the consumer; this means that each handler should be able to supply information on their supplier or buyer.

- *Certain fresh fruits and vegetables* are subject to seasonal price restrictions. Bananas are subject to quotas and certification. An import certificate is also required for canned mushrooms and canned mandarines. The import of fresh potatoes from third countries to France is prohibited due to EU concerns over the risk of transmission of certain diseases.

- *World standards based on the United Nations Economic Commission for Europe (UNECE) are now developed for the following dried fruits*: Almonds, apples, apricots, cashew nuts, dates, figs, raisins, hazelnuts, pears, pine kernel, pistachios, prunes and walnuts.

- *Pet food* :

According to EU regulation 1774/2002 of the European Parliament and Council dated 3 October 2002 applicable since 1st May 2004, pet food should come from and be produced in plants certified by the French Ministry of Agriculture according to specific instructions of the present regulation, and be accompanied by a health certificate complying with samples contained in:

- annex X, Chapter 3 A in the case of canned pet food,
- annex X, Chapter 3 B in the case of processed pet food other than canned,
- annex X, Chapter 3 in the case of dog chews.

Pet food should also be accompanied by a declaration of compliance with EU regulation 999/2001, and by an additional certificate in compliance with two French ministerial orders:

- ministerial order dated March 20, 2003 relating to sanitary conditions applicable to marketing, exchanges, imports and exports of some animal products intended for pet food and pet food processing and other uses,

- modified ministerial order dated June 15, 2001 relating to sanitary conditions applicable to marketing, exchanges, imports and exports of some animal products intended for pet food and pet food processing.

French authorities require that these additional statements be included on the existing health certificates accompanying US exports of pet food to France. Export certificates need to be obtained prior to the shipment of the product. All certificates should be in French.

To obtain certificates in French, please contact :

Bureau Importation Pays Tiers
Mission de Coordination Sanitaire Internationale
Direction Generale de l'Alimentation
French Ministry of Agriculture
251 rue de Vaugirard
75732 Paris Cedex 15
E-mail: import.mcsi.dgal@agriculture.gouv.fr

To obtain certificates in English, please contact:

Animal Plant Health Inspection Service (APHIS)
Joyce Bowling-Heyward
Senior Staff Veterinarian
National Center for Import and Export
Veterinary Services
phone 301-734-3277
fax 301-734-8226

EU regulation 1774/2002 of the European Parliament and Council dated 3 October 2002 and EU regulation 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies can be found in English on <http://europa.eu.int>

French ministerial decrees can be found in French on the following website : <http://www.legifrance.gouv.fr> by selecting « les autres textes législatifs et réglementaires »/type of document: « arrêté ».

The EU petfood legislation can be found on the US Mission to the European Union website : <http://www.useu.be/agri/petfood.html>

2. Laboratory testing:

Some products, in order to make sure that they conform to French import standards as to quality, sanitary and ingredients criteria, can be laboratory tested. This is often done for canned fruits and vegetables, beer, and dairy products including yogurt.

However, these laboratory tests are generally requested by French supermarket buyers to ascertain if the products they intend to sell conform to French regulations. Very few manufacturers or U.S. exporters contact these laboratories directly. However, when a U.S. exporter wants to make sure that its product conforms to a French regulation he may contact a laboratory directly for product testing. The Office of Agricultural Affairs in Paris has a list of French administratively-approved laboratories.

3. Animal By-Products:

[European Parliament and Council regulation 1774/2002](#) establishes the health rules concerning animal by-products not intended for human consumption and replaces Directive 90/667/EEC. This regulation as well as the [TSE](#) regulation was developed in response to the BSE crisis and is part of the EU's strategy to eradicate food-borne diseases. The animal by-products regulation covers all animal products not intended for human consumption, and as such covers both products for technical uses and animal by-products used in the production of feeds and pet food. This regulation requires that animal by-products used in the production of feeds and pet food be derived from the carcasses of animals declared fit for human consumption following veterinary inspection (category 3 products in the regulation). Provisions include a ban on intra-species recycling and fallen stock and restrictions on yellow grease. Certain categories of pet food have to be denatured with specified substances. Pet food plants have to be dedicated to production of product fit for human consumption.

EC regulation nr 1774/2002 of the European Parliament and Council dated 3 October 2002 can be found in English on: <http://europa.eu.int>

The EU animal by-products legislation can be found on the US Mission to the European Union website: <http://www.useu.be/agri/by-products.html>

4. Policy for Sample Food Product Shipments:

Food product samples shipped via express mail or parcel post are subject to the same import regulations as for a commercial shipment in regard to sanitary or phytosanitary requirements.

For customs, the sample shipment should be accompanied by a proforma invoice indicating the value of the sample product. However, samples of no commercial value enter France free of duties and taxes. When sending such samples parcel post, the sender must specify what type of samples are being shipped. "No commercial value" should be written on the appropriate shipping documents. In order for samples of commercial value to enter France duty- and tax-free, a bond or deposit of the total amount of duties and taxes must be arranged. Samples must be reexported within one year if the deposit is to be recouped. An alternative to a deposit is applying for an "Admission Temporaire/Temporary Admission" (ATA) Carnet, which is a special international customs document designed to simplify and streamline customs entry procedures of merchandise for up to one year. Customs authorities in the United States and France accept carnets as a guarantee that all customs duties and excise taxes will be paid if any of the items covered by the carnet are not reexported within the time period allowed. Carnets may be used for commercial samples, professional equipment, and goods destined for exhibitions and fairs.

To inquire about or apply for an ATA Carnet, contact the U.S. Council for International Business:

USCIB
1212 avenue of the Americas
New York, NY 10036
Tel: (212) 354 4480
Fax: (212) 575 0327
Email: info@uscib.org
Website: <http://www.uscib.org>

5. Certification and Documentation Requirements:

Import documentation:

Import and export transactions exceeding 12,500 Euros (\$11,800) in value must be conducted through an approved banking intermediary. Goods must be imported no later than six months after all financial and customs arrangements have been completed.

For products originating in countries other than EU Member States or participants in the World Trade Organization (WTO), and for a limited number of products considered to be sensitive, a specific import/export license may be required by product or by category of products. Otherwise, the following shipping documents are required to import into France:

- Commercial invoice;
- Bill of lading or air waybill;
- Certificate of origin
- Sanitary/health certificate if need be (depending on the products)

Note: U.S. exporters must make sure their products comply with French regulations and must verify customs clearance requirements with local authorities through their contacts before shipping the products to France. The Office of Agricultural Affairs of the American Embassy in Paris can provide assistance and information on these matters.

Certification Requirements:

Dairy, meat, and seafood products must originate from an EU-certified establishment.

Prepared food products containing meat, or animal origin foods should originate from an EU-certified manufacturing plant.

Fresh Fruits and Vegetables:

Apart from quality inspection controls indicated in para. VI-1 above, fresh fruits and vegetables in France are not subject to any particular certification requirements.

Plant Phytosanitary Regulations:

There is no restriction on importing wood, wood products and plants into France, but certain wood and plant species are subject to EU phytosanitary regulations, and inspection upon arrival in France or in the European Union. Also, some coniferous woods are subject to heat treatment certification.

Pet food products :

See Section VI, paragraph 1.

Meat, Poultry, Dairy and Fish Products for Food Shows

A new French decree was finalized in early 2004, still to be validated by the French Food Safety Agency (AFSSA), requesting that meat, poultry, dairy and fish products for food shows be accompanied by a sanitary certificate, as well as an animal health certificate. These products should not be sold or consumed and should be destroyed at the end of the food show. New certificate forms will be available when the French decree will be approved by AFSSA.

Additional information should be obtained from:

Mission de Coordination Sanitaire Internationale, Bureau importation pays tiers
Direction Générale de l'Alimentation
Ministère de l'Agriculture, de l'Alimentation de la Pêche et des Affaires Rurales
251, rue de Vaugirard
75732 Paris Cedex 15
Phone: 011-33-1 - 49 55 88 44
Fax: 011 33-1 - 49 55 83 14
Email: import.mcsi.dgal@agriculture.gouv.fr

For detailed information on French import regulations contact the:

Director, Export Coordination Division, Food Safety Inspection Service, Washington,
D.C. 20250
Telephone: (202) 720-6427, Fax: (202) 720-7990.

SECTION VII. OTHER SPECIFIC STANDARDS

1. Genetically Modified Organisms - GMOs (Biotech Products):

Please see USEU biotech annual report E35091 dated May 13, 2005, and Paris annual biotech report FR5051, dated July 21, 2005.

2. Dietetic/Health Foods:

EU Directive 89-398 of May 3, 1989, implemented by French decree 91-287 of August 29, 1991 gives the definition of a health/dietetic food product. To date, EU harmonization of dietetic/health food products is only in force for the labeling and ingredient regulation of infant and toddler foods (0 to 12 month old, and 1 to 3 years old, respectively), high calory products, as well as foods intended for special medical purposes. The other health/dietetic food regulations are in the process of being harmonized, such as sport products (cereal bars, energy drinks, etc.) and products for diabetics. In the meantime, imports of these products are governed by current French regulations.

Please note that EU Directive 2001/15 listing nutritional substances which can be used in dietetic/health products has been published in French decree of June 5, 2003.

In addition to the general French labeling requirements (as per section II), all dietetic/health food products should indicate the following information on the label:

- Brand name of the product, immediately followed by its properties and nutritional characteristics;
- Quantity of each nutritional ingredient, expressed in grams (g), or milligrams (mg), per 100 grams of finished product;
- Calorie content expressed in KJ and Kcal per 100 grams of finished product;
- Product should be packed in a manner whereby the packaging covers the product entirely. For bulk dietetic/health products, all nutritional characteristics should be clearly brought to the attention of the consumer on the outside packaging;
- The expiration date of the product must be clearly indicated for perishable products;

- The list of additives contained in the product. Note that some additives are not authorized in health/dietetic food products in France. The list of authorized additives and substances is contained in French decree of October 2, 1997, published in the French Official Journal of November 8, 1997. The use of vitamins and minerals is governed by French decree of August 4, 1986, as modified.

Note: These dietetic/health foods are not medicines. Thus, the label may not indicate any curative or preventive properties.

3. Food Supplements:

Currently, food supplements in France are governed by EU Directive 2002/46 dated June 10, 2002. This directive has not been implemented by France, and until then, the use of vitamins and minerals authorized in food supplements including their daily allowances are listed in Annex I of French decree 93-1130 dated September 27, 1993.

4. Organic foods:

France applies EU Regulation 2092/91 which regulates the production and labeling of organic foods. All producers and importers must comply with this regulation. Certain third countries have already been EU-certified to export organic food and agricultural products into the European Union. Some U.S. organic certifiers have been reviewed and approved under the new USDA organics regulations. Equivalency between U.S. and European standards and regulations is under discussion at the EU level; and in the meantime any imports of organic food products from the United States are subject to a case-by-case authorization procedure conducted in the EU country of import. Guidance notes to import organic products from third country into France as well as authorization form to market in France can be found at the following website:

<http://www.agriculture.gouv.fr>

Note that All third countries desiring to export organic foods should be EU-certified by December 31, 2005.

To facilitate identification of organic products for French consumers, the words "Agriculture Biologique" (organic agriculture) and the "AB" logo are applied on the label of the product. This logo was instituted by the French Ministry of Agriculture as a means of certifying that the product has been organically grown or processed according to both specific EU and French criteria and specifications. The "AB" logo is awarded by three certifying agencies: Ecocert, Qualite France and Ascert International. Also, the "AB" logo signifies that the producer, the importer or the distributor has been duly registered with the EU Member State's organic food trade association. Ecocert, Qualite France and Ascert International conduct regular inspections of producers, who are subject to strict controls.

In addition to the "AB" logo and to facilitate identification of organic products for European consumers, there is now an EU organic logo to be applied on the label of the product and which ensures the consumers that the product has been grown or processed according to specific EU criteria and specifications. Both logos ("AB" and EU) are not mandatory but just an assessment for the consumers.

On June 10, 2004, the EU agreed to an Organic Action Plan. This Plan forms the basis for the development of new EU legislative initiatives covering all aspects of organic food and farming. The EU Organic Action Plan addresses issues such as:

- the balanced growth of supply and demand,
- the needs of organic food processing companies and the adequacy of distribution networks

and marketing strategies

- the role of the supermarkets,
- the implementation of the 2003 CAP reform which could provide a framework for the future development of organic farming in the EU,
- support of organic farmers through rural development measures,
- improving inspection systems,
- the harmonization of national standards and certification,
- the use of the EU organic logo alongside other private logos or labels,
- co-existence of organic farming with conventional methods,
- co-existence of organic farming with genetically modified agriculture.

For more information about the EU Organic Action Plan, please visit:

http://www.europa.eu.int/comm/agriculture/qual/organic/plan/index_en.htm

5. Alcoholic Beverages, Wine and Beer:

French imports of wine from non-EU countries are subject to EU import duties, which vary depending on the percentage of alcohol contained in the wine and the type of container. Other taxes, such as transportation tax, which is the equivalent of an excise duty, and value added tax (VAT) apply to both domestically and foreign-produced wines.

For any imports above 30 hectoliters, an import certificate is required and can be obtained from the Office National Interprofessionnel des Vins (ONIVINS) . Also, a VI.1 document is necessary, as well as an invoice. The VI. 1 document is an official document, which is required for wines entering the European Union. The document certifies that the U.S. wine exporter is approved by the Alcohol and Tobacco Tax and Trade Bureau (TTB). This document is issued in the U.S. by the producer. For additional information, please visit the TTB website at:

<http://www.ttbimport@ttb.treas.gov>.

The U.S. and the EU are in the process of negotiating a bilateral agreement on wine. Exports of U.S. wine to the EU continue under derogations permitting certain U.S. oenological practices, which would otherwise be prohibited. Current derogation for U.S. wine making practices and certification was extended until December 2005.

On February 23, 2004, the European Commission published a set of amendments to the wine labeling regulation. These new rules introduce arrangements for the protection of certain traditional expressions linked to an EU geographical origin and third country wines may include geographical indications on the label under certain conditions. For more information, visit the following website: <http://www.useu.be/agri/usda.html>

Beer imports into France are also subject to custom duties and tax laws. To be called "beer" the product should correspond to criteria as defined in French decree 92-307 of March 31, 1992.

SECTION VIII. TRADEMARK LAWS

Trademarks and brand names are protected under French law, with no limitations on number. In a general sense, trademarks recognize and protect indicators, which serve to distinguish one product or service from similar products or services. A trademark has a ten-year life span and is renewable every ten years.

To register a trademark, applications must be filed with the following organization:

- Institut National de la Propriété Industrielle (INPI)
Division des Marques
26bis, rue de Saint Pétersbourg
75800 Paris Cedex 08
Tel: (33-1) 53 04 5304
Fax: (33-1) 49 01 0737
<http://www.inpi.fr>

To register a trademark, as in the case of patents, requires a French address, which may be obtained through a legal representative in France or in Europe.

SECTION IX. IMPORT PROCEDURES

Considering the variety of distribution options available in France, it is important for the new-to-market exporter to select the method best suited to his or her product. French buyers generally prefer to purchase through an intermediary (distributor, agent or salaried representative), making sales directly to the end-user a rare practice. Imports of foodstuffs into France should take the following steps:

1. Customs clearance: Done by a person or a company able to present Customs Authorities at the port of entry in the country the imported goods as well as the necessary accompanying documents for these food products (i.e., commercial invoice, bill of lading, the certificate of origin, the import and sanitary/phytosanitary certificate if need be). It is recommended that the U.S. exporter has the customs clearance done by either a forwarding agent or his importer/distributor or agent in the country of destination.
2. Customs clearance should be done in a Customs Office at the port of entry or at the airport. For more information regarding proper customs clearance documentation and addresses of various customs offices, please contact:

- Centre de Renseignements Douaniers
84, rue d'Hauteville
75010 Paris
Tel: (33-1) 0825 30 8263
Fax: (33-1) 53 24 6830
Email: crd-ile-de-france@douane.finances.gouv.fr

All shipping documents should be in the French language. Also, some products, as enumerated previously in this report, are subject to veterinary or health inspection when arriving in France, in which case the Agencies or Ministries responsible for these products are the DGCCRF or the Veterinary Services of the French MINAG. Representatives of both Ministries are present in each port/airport of entry.

The entire customs clearance procedure is rapid, provided the U.S. exporter has furnished all the necessary documentation with the shipment. Also, it is recommended that the exporter be fully aware of the necessary shipping documents required for his product. Most often this information is provided by the importer.

3. When foodstuffs enter France, customs duties, ad valorem, have to be paid. The amount of these duties differ according to product. In addition, a value added tax (VAT), has to be paid (5.5 percent for all food products, except for alcoholic beverages, chocolate and candies where the TVA tax is 19.6 percent).

APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS**1. The General Direction for Food of the French Ministry of Agriculture**

(DGAL/MINAG) works primarily to promote and control food and agricultural product quality, develop agricultural and food industries, and animal and plant protection. DGAL participates in the preparation of food laws and the definition of norms. It also administers sanitary and phytosanitary policy. DGAL headquarters are located at the following address:

Direction Générale de l'Alimentation
Ministère de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires Rurales
251, rue de Vaugirard
75015 Paris
Tel: (33-1) 49 55 49 55
Fax: (33-1) 49 55 48 50
Internet: <http://www.agriculture.gouv.fr>

The DGAL office providing French import requirements is :

Bureau Importation Pays Tiers
Mission de Coordination Sanitaire Internationale
Direction Générale de l'Alimentation
Ministère de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires Rurales
251 rue de Vaugirard
75732 Paris Cedex 15
Tel: (33-1) 49 55 81 92
Fax: (33-1) 49 55 83 14
E-mail: import.mcsi.dgal@agriculture.gouv.fr

2. The General Direction for Competition, Consumption and Frauds (DGCCRF) is the French regulatory agency responsible for the safety of all foods. DGCCRF's activities are directed toward the health of the Nation against impure, unsafe, and fraudulently labeled foods. DGCCRF is also responsible for enforcing French laws in manufacturing and marketing and also at the import level. They have offices all over France at port of entries and airports. The headquarters office are at the following address:

Direction Générale de la Concurrence
de la Consommation et de la Répression des Fraudes
(DGCCRF)
Ministère de l'Economie, des Finances et de l'Industrie
59, boulevard Vincent Auriol
75703 Paris Cedex 13
Tel: (33-1) 44 87 1717
Fax: ((33-1) 44 97 3031
Internet: <http://www.finances.gouv.fr>

3. The Association Française de Normalisation (AFNOR), is the French authority in charge of coordinating work and research relating to the establishment of standards in France. AFNOR prepares new and revised standards, subjects them to public enquiry, and finally submits them to the relevant ministry for approval. It is the French branch of the European Standardization System (CEN) and a member of the International Organization for Standardization (ISO). AFNOR can be reached at the following address:

AFNOR
11, avenue Francis de Pressense
93571 St Denis la Plaine Cedex
Tel: (33-1) 41 62 8000
Fax: (33-1) 49 17 9000
Internet: <http://www.afnor.fr>

APPENDIX II: OTHER IMPORT SPECIALIST CONTACTS***For additional information about a particular product:***

Office of Agricultural Affairs
American Embassy
2, avenue Gabriel
75382 Paris Cedex 08
Tel: (33-1) 43 12 2245/2264
Fax: (33-1) 43 12 2662
Internet: <http://www.amb-usa.fr/fas/fas.htm>
Email: agparis@usda.gov

For information on duties, taxes, and documentation:

Centre de Renseignements Douaniers
84, rue d'Hauteville
75010 Paris
Tel: (33-1) 0825 30 8263
Fax: (33-1) 53 24 6830
Email: crd-ile-de-france@douane.finances.gouv.fr

For business and credit report on an importer/distributor or agent in France to ensure its reliability, please contact:

Dun & Bradstreet France
Immeuble Capitole
55, avenue des Champs Pierreux
92012 Nanterre Cedex 01
Tel: (33-1) 41 37 5000
Fax: (33-1) 41 37 5001
Internet: <http://www.dbfrance.com>

French Statistical Institute:

INSEE Infos Service
18, Bld Adolphe Pinard
75014 Paris
Tel: (33-1) 41 17 5050
Fax: (33-1) 41 17 6666
Internet: <http://www.insee.fr>

To obtain EU /French Customs tariffs:

Journal Officiel
26, rue Desaix
65015 Paris
Tel: (33-1) 40 58 7979
Fax: (33-1) 45 79 1784
Email: info@journal-officiel.gouv.fr
<http://www.legifrance.gouv.fr>